

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	No. 05 CR 938
)	
vs.)	Violations: Title 18, United States Code,
)	Sections 1956(h), 1956(a)(1)(A)(i), 1952,
GARY S. KIMMEL)	and 2

COUNT ONE

The SPECIAL SEPTEMBER 2005 GRAND JURY charges:

1. At times material to this Indictment:

a. GARY S. KIMMEL was a licensed dentist, practicing in Chicago, Illinois.

b. Robert Lewis Young aka Lawrence Benjamin aka “Blue Diamond” (hereinafter, “Young”) was a pimp, who recruited and directed females, including minor females, to engage in prostitution in Chicago, Illinois, Detroit, Michigan, Honolulu, Hawaii, and elsewhere. Young transported the prostitution victims, and caused them to be transported, across state lines by car and airplane.

c. Knowing that Young was a pimp engaged in illegal prostitution activities in multiple states in the United States, KIMMEL agreed to purchase and did purchase multiple luxury vehicles titled in KIMMEL’s name, for use by Young and the prostitutes. Young paid KIMMEL for the cars by cash, check, and money order. Young provided these payments to KIMMEL by delivering the payments in person, by having prostitutes deliver the payments in person, and by using the U.S. Postal Service and interstate commercial carriers.

d. KIMMEL attempted to conceal the fact that the vehicles were for Young and the prostitutes, by making false statements to third parties such as credit companies, insurance

companies, and law enforcement concerning his relationship with Young and his role with the vehicles.

e. From approximately March 2002 through November 2005, KIMMEL accepted approximately \$375,000 in cash, checks, and money orders from Young and prostitutes working for Young for the purpose of purchasing, financing, insuring, and maintaining vehicles used by Young and the prostitutes. KIMMEL knew that these payments were the proceeds of Young's illegal prostitution activities.

f. From approximately May 2002 through November 2004, KIMMEL accepted approximately \$30,000 in cash, checks, and money orders from Individual A, another pimp, and prostitutes working for Individual A for purpose of purchasing, financing, insuring, and maintaining a vehicle used by Individual A and the prostitutes. KIMMEL knew that these payments were the proceeds of Individual A's illegal prostitution activities.

g. During the same period of time, KIMMEL accepted cash from Young, Individual A, and another pimp, Individual B, as payment for dental work that KIMMEL performed on Young, Individuals A and B, as well as for prostitutes who were working for Young and Individuals A and B. KIMMEL did not report these payments as income to his dental practice.

2. Beginning no later than in or about March 2002 and continuing to at least in or about November 2005, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

GARY S. KIMMEL,

defendant herein, did conspire and agree with Young, Individual A, Individual B, and others knowingly to conduct financial transactions affecting interstate and foreign commerce involving property that represented the proceeds of specified unlawful activity, namely, violations of Title 18,

United States Code, Section 1952(a)(3) (the use of facilities in interstate commerce with intent to promote and carry on illegal prostitution offenses in violation of Illinois, Michigan, and Hawaii law), with the intent to promote the carrying on of the specified unlawful activity, knowing that the property involved in the transactions represented the proceeds of some form of unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i);

In violation of Title 18, United States Code, Sections 1956(h) and 1956(a)(1)(A)(i).

COUNT TWO

The SPECIAL SEPTEMBER 2005 GRAND JURY further charges:

On or about October 13, 2005, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

GARY S. KIMMEL,

defendant herein, did use the mail and any facility in interstate commerce to distribute the proceeds of unlawful activity, namely prostitution in violation of Illinois, Michigan, and Hawaii law, and to otherwise promote, manage, establish, carry on, and facilitate the promotion, management, establishment, and carrying on of such unlawful activity;

In violation of Title 18, United States Code, Sections 1952(a)(1) and (3) and 2.

FORFEITURE ALLEGATIONS

The SPECIAL SEPTEMBER 2005 GRAND JURY further alleges:

1. The allegations contained in Count One of this Indictment are realleged and incorporated herein by reference for the purpose of alleging forfeiture pursuant to the provisions of Title 18, United States Code, Section 982.

2. As a result of his violations of Title 18, United States Code, Section 1956, and his conspiracy with Young and others to violate this provision, as alleged in the foregoing Indictment,

GARY S. KIMMEL,

defendant herein, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), any and all right, title, and interest defendant has in any property, real and personal, involved in such offenses, and any property traceable to such property.

3. The interests of the defendant subject to forfeiture pursuant to Title 18, United States Code, Section 982, include: all money and other property that represents the subject of each transaction; all money and other property that is traceable thereto; and all money and property that facilitated the transactions, including but not limited to:

(a) Approximately \$405,000;

(b) Real property, including the properties commonly known as 300 N. State Street, Chicago, Illinois, Units 2734, 3905, 5208, 5616, 5617, 5618, 5619, 5817, and 5818;

(c) Vehicles, including:

(i) One 2001 Plymouth Prowler
VIN: 1P3EW65G91V701332;

(ii) One 2004 Chevrolet Corvette
VIN: 1G1YY32G745108950;

- (iii) One 2004 Dodge Ram
VIN: 3D7HA16H54G233687;
- (iv) One 2005 Chrysler 300C
VIN: 2C3AA63H75H674420;
- (v) One 2005 Lexus ES330
VIN: JTHBA30G155072564;
- (vi) One 2005 Mercedes Benz ML350
VIN: 4JGAB57E85A569088;

(d) Seized personal computers including hard and zip drives, including one Hewlett Packard laptop bearing serial number TW13904692; and one white Apple laptop (bearing no serial number); and

(e) Seized collectible gold, silver, copper, and platinum coins.

4. To the extent that the property described above as being subject to forfeiture pursuant to Title 18, United States Code, Section 982, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred to, sold to, or deposited with a third person;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value, or
- (e) has been commingled with other property that cannot be subdivided without difficulty;

the United States of America shall be entitled to forfeiture of substitute property under the provisions

of Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1).

All pursuant to Title 18, United States Code, Section 982.

A TRUE BILL:

FOREPERSON

UNITED STATES ATTORNEY